

GAMBLING COMMISSION

Remote gambling and software technical standards

Consultation

October 2016

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1 Introduction

- 1.1 This consultation document sets out proposed amendments to the [Remote gambling and software technical standards](#) (RTS), which apply to operators licensed by the Gambling Commission (the Commission). In many cases the RTS is the most significant regulatory tool for ensuring the fairness and transparency of remote gambling. The standards are critical to ensuring the delivery of the licensing objectives through the implementation of requirements designed to:
- Protect the integrity and security of consumer information
 - Ensure gambling products perform in a manner that is fair and consistent with game rules
 - Provide consumers with the information and tools required to manage and control their gambling activity.
- 1.2 The proposed amendments in this paper will be of interest to holders of a remote operating or gambling software licence, to gambling consumers and to bodies or individuals with an interest in the regulation of gambling.
- 1.3 The RTS has remained relatively unchanged since it was first published in 2007. Changes have been made to the security elements in order to update them from ISO 27001:2005 to the 2013 standard. More recently changes were made to auto-play (RTS 8) and a new reality check (RTS 13) requirement was added as a result of the [Strengthening social responsibility](#) consultation that concluded in October 2014.
- 1.4 This consultation provides an opportunity to ensure the RTS reflects and accommodates changes in the remote gambling environment. The last few years have seen a significant growth in online gambling, innovation and the increased availability and take-up of new channels through which consumers can take part in gambling (eg mobile devices). In parallel to these developments, the implementation of the Gambling (Licensing and Advertising) Act in November 2014¹ has expanded our regulatory remit.
- 1.5 More broadly, the consultation seeks to:
- Ensure gambling is conducted in a fair and open way
 - Ensure consumers are provided with clear guidance on gambling products and responsible gambling tools
 - Deliver an effective and proportionate regulatory framework
 - Ensure the RTS is structured in a manner that is clear and accessible.
 - Reflect the changes to the recently updated testing strategy, such as the [live RTP monitoring requirement](#).
- 1.6 The technical standards are drafted in a format that sets out the key principles, without being overly prescriptive as to how these must be met. Where possible we have tried to align the new requirements (eg live dealer studios) with those already in place in other jurisdictions. Overall, the proposed revisions seek to reinforce the existing requirements.

¹ From 1 November 2014, gambling in Britain is regulated at the point of consumption rather than the point of supply. This means that remote gambling operators who wish to advertise or deliver their services to consumers located in Great Britain now require a licence from the Commission regardless of where their equipment is located.

- 1.7** We have had a number of pre-consultation discussions with stakeholders, the outcomes of which have been taken into account in drafting this consultation document. We would like to thank those stakeholders that were able to offer their views and insights prior to the launch of the formal consultation.
- 1.8** This consultation will run for three months with final submissions due on 17 January 2017. The Commission will be required to notify the European Union (EU) of revisions to the RTS in accordance with Directive (EU) 2015/1535². This notification will be submitted three months prior to the revised standards coming into effect (alongside the publication of the response in summer 2017).

2 Background

- 2.1** Sections 89 and 97 of the Gambling Act 2005 (the Act) enable the Commission to, amongst other things:
- Establish technical standards for remote gambling systems and gambling software
 - Make arrangements for the administration of tests of compliance with standards
 - Provide for the enforcement of standards and submission to tests.
- 2.2** The technical requirements for remote gambling were incorporated into standards (rather than included in regulations) to allow complex and technical detail to be addressed more fully. As remote gambling is inherently reliant on different and continually developing forms of technology, placing the technical standards beneath the regulations allows us to update and adapt them as technology and risks to the licensing objectives evolve.
- 2.3** Licence condition 2.3 of our [Licence conditions and code of practice](#) (LCCP) requires gambling software and remote licence holders to comply with our RTS and requirements for testing procedures.
- 2.4** The implementation of the Gambling (Licensing and Advertising) Act in November 2014 made it a requirement for gambling operators that transact with or advertise to British consumers to be licensed by us. In addition, the new licence condition 2.2.1 requires that all gambling software used by a licensee must have been manufactured by the holder of a gambling software operating licence. These changes have led to a significant increase in the number of operators and suppliers that must comply with our technical standards.
- 2.5** We recently consulted on changes to the [Testing strategy for compliance with remote gambling and software technical standards](#) (testing strategy), which sets out our requirements for the timing and procedures for testing referred to in licence condition 2.3. The testing strategy provides a way to assess compliance with the RTS, though its focus is primarily on how games and systems are assessed and circumstances in which third party games testing and system security auditing is required. The RTS meanwhile details fairness, responsible gambling and information security technical standards, such as the need to ensure games perform in accordance with their own rules.

² The 2015/1535 notification procedure allows the European Commission and EU countries to examine technical regulations for products and Information Society services (online services including e-commerce) that other EU countries intend to introduce. It prevents the creation of new technical barriers to trade by ensuring the compatibility of national legislation with EU law and Internal Market principles. The procedure also helps prevent further legal action by the EU Commission.

3 Proposals

3.1 General changes to format and layout

- 3.1.1** The existing RTS sets out the technical requirements into three broad areas: fair and open requirements, responsible gambling requirements, and security requirements. The current RTS also includes information provision annexes (IPAs), which are less technical in nature and more concerned with how information should be displayed. In most cases an IPA is directly related to one of the technical requirements. For example **RTS 1 - Customer account information** outlines the requirements for the display of customer account balances, and **IPA 1** goes further and outlines how historical account and gambling transactions should be displayed.
- 3.1.2** To simplify the RTS we propose to merge each technical requirement with its supporting IPA. This will reduce duplication and group like requirements together. This is purely a formatting change in which the existing IPA requirements will be incorporated into the technical standards. An example of a merged IPA and RTS requirement is provided at Annex A. The table at Annex B contains the proposed RTS renumbering to accommodate the absorption of IPAs into the relevant technical standard. New standards have been created for those IPAs that do not fit easily into existing or new technical standards. The table also details the proposed numbering for the new technical standards, as set out in this document.
- 3.1.3** The general makeup and format of each requirement will remain structured as follows:
- The **aim**, describing what the Commission is seeking to achieve,
 - The **requirement**, which sets out specific requirements to meet the aim, and;
 - **Implementation guidance**, providing guidance as to how the requirement should be complied with, without exhaustively describing all possible solutions.
- 3.1.4** We intend to update the supporting testing strategy and other relevant guidance to incorporate any new standards and changes made to the numbering of existing requirements as a result of this consultation.

Question

1. Do you agree with our proposal to merge IPAs with the technical standards?

3.2 Session history and display net deposits – new requirements (RTS 1 and IPA 1)

- 3.2.1** The technical standards are, in many cases, a significant regulatory tool for delivering the Commission's key aims and objectives. The need to empower and protect consumers was identified as a key strategic objective in our [Annual Report 2015/16](#), in which we reinforced our expectation that consumers are provided with information with which to make well informed choices about their gambling. With this in mind, we propose to update RTS 1 to ensure consumers have access to clearer and more consistent information on their gambling history.
- 3.2.2** The current RTS requires licensees to have provisions that enable consumers to review previous gambling and account transactions³. The implementation guidance specifies the information that should be provided to consumers, but does not prescribe that consumers be able to access historic transactions over a specific period of time (eg all transactions completed over the previous 12 months). Further, the absence of more detailed minimum standards has resulted in differing approaches and the amount of information accessible to the consumer can vary between licensees. For example, some licensees have chosen not to provide the consumer with a running total of their transactions, requiring the consumer to complete their own calculations to determine the win/loss over a defined period. Consumers may also be required to navigate multiple screens and collate several pieces of information in order to understand their gambling history.
- 3.2.3** We are concerned that insufficient historical information, a lack of summarised totals and the need to use information from multiple separate screens or reports can prevent or deter consumers from accessing and using the required information that will enable them to monitor their gambling behaviour. We consider it important for there to be some level of consistency of information provided by different licensees, particularly given the tendency for consumers to hold accounts with multiple operators⁴.
- 3.2.4** In order to reduce inconsistency and improve the level of information which is available to consumers we are proposing to introduce the following new requirements:
- a) Account and gambling history must be available for a minimum period of 12 months**
- 3.2.5** We propose that consumers should be able to access information on gambling and account history for the previous 12 months (as a minimum). We would not require that 12 months be reportable in a single output, which could place increased strain on databases. It would be acceptable therefore to cap the maximum searchable time period to less than 12 months as long as the full 12 months could be accessed by checking multiple shorter time periods.
- 3.2.6** We are aware that some licensees currently enable consumers to access earlier account history (ie older than 12 months). Whilst the new requirements sets a minimum period of 12 months, we would encourage operators to provide as much information as possible.
- 3.2.7** As before, if consumers do not have access to enhanced information provided via websites (for example they are using a restricted display device or telephone betting) this information must be provided by other suitable means.

³ IPA 1 aim: to provide all consumers will facilities to review previous gambling and account transactions

⁴ Participation in gambling and rates of problem gambling 2015, presentation slide 60:

<http://www.gamblingcommission.gov.uk/docs/Participation-in-gambling-and-rates-of-problem-gambling-2015.ppt>

b) The account and gambling history must provide easy to understand totals for the defined period ie a win/loss amount

3.2.8 We propose that the gambling and account history must provide the total win/loss information for the selected time period on the same screen on which the transactions are displayed, without requiring the consumer to perform their own arithmetic.

c) Account level information – all gambling product activity displayed on one report/screen

3.2.9 If the win/loss information is only made available to consumers on a per product basis it would still be reliant on a consumer to calculate the total overall account win/loss for the defined period. We therefore propose that the gambling history must include an option to view the total win/loss at an account level, across all products, in a single report. This would not need to contain detailed information such as the outcome of each spin on a slot machine but should provide the win/loss for each product for the time period selected.

d) Consumers must be able to access information about their net deposits

3.2.10 It is important that consumers are able to access information that enables them to monitor their level of spend. We consider 'net deposits' – that is, the running total of *all* deposits minus the sum of *all* withdrawals for the lifetime of the account – to be a clear, simple indicator which is already offered by a number of remote gambling operators and is a requirement in some other jurisdictions.

3.2.11 We propose that operators provide consumers with the option to view their net deposits, a link to which could be provided, for example, via the player's account screen. We intend to provide licensees sufficient time to implement the requirement and will set a future implementation date from which consumers should be able to review their level of spend (see question 6 below). Consumers must be able to easily review their level of spend from the implementation date forward as a rolling total for the rest of the account lifetime.

Whatever facility is made available to enable consumers to view their net deposits, licensees should make clear to players that the figure represents the net deposits from the implementation date (or account lifetime where possible). The figure should be shown at the player account level with all payment methods provided as a single net figure.

Other potential changes for account screens

3.2.12 When the RTS was originally drafted some operators provided multiple wallets depending on the gambling product (for example one wallet for betting and a different one for poker). For this reason certain sections of the RTS refer to instances in which *funds are moved between products*. However, this practice has become less common as operators have increasingly moved to a single wallet system. We are gathering feedback as to whether references to the movement of funds between products could be removed. Proposed amendments to remove these references has been made in Annex A (one aspect of guidance for fund movements between products will remain to cater for any remaining instances, as per implementation guidance 1B c) of Annex A).

Proposed new requirement and new implementation guidance

RTS requirement 1B (formerly IPA 1 with additions highlighted)

Customers must have easy access to their account and gambling history **for a minimum of the previous 12 months**. Where customers access operators' products or register via websites, it is acceptable to provide access to statements via these websites. For customers who do not access or register via websites, information is to be provided via the medium of access, or a copy must be sent via email, fax, or post.

Proposed new RTS implementation guidance 1B (formerly IPA 1)

- g. **The gambling and account history should display the total win/loss information for the specified period selected. Customers should be offered the option to view this information across all products in a single report.**

Proposed new requirement and new implementation guidance

Proposed new RTS requirement 1C

Customers must be able to easily access information about their net deposits.

Proposed new RTS implementation guidance 1C

- a. **Net deposits are defined as the running total of all deposits minus the sum of all withdrawals for the lifetime of the account. This should be displayed at an account level so the figure represents the net position of all payment methods. Where full account life-time history isn't possible then, as a minimum the net deposits should be displayed from [TBC]. Information which explains what is being displayed including the date of implementation should be provided.**

Questions

2. **Do you agree with the proposed requirement that consumers must be able to access account and gambling history for a minimum period of 12 months?**
3. **Do you agree with the proposed requirement that account history should display the total win/loss for the defined period?**
4. **Do you agree that the account history must provide a summary across all gambling products?**
5. **Do you agree with the proposed requirement that net deposit information is made available to consumers?**
6. **Do you agree with the proposal that the new net deposit display requirement commences from a defined start date (this is expected to be autumn 2017 – 3 months after the Commission has published its response document)?**
7. **We intend to give licensees sufficient time to implement these requirements and invite views as to what would constitute a reasonable time period.**

3.3 Restricted display device – amended definition

- 3.3.1** The use of mobile devices such as smartphones and tablets has become more prevalent since the RTS was first published in 2007. In some cases consumers may only ever use their mobile device to access remote gambling facilities. This trend further reinforces the need to ensure adequate information provision on restricted display devices. The RTS gives guidance on how to achieve certain technical requirements where limited screen space may not allow for all required information to be included on one screen. In these instances we usually require that suitable alternatives be provided for provision of the full information, such as links or emailed reports.
- 3.3.2** We propose to update the definition of restricted display device with a minor amendment, as illustrated below. Overall the existing provisions remain relevant but we want to ensure they cater for evolving technological developments and invite views.

Definition of terms

Proposed amended definition for restricted display device

A device such as a mobile phone or ~~personal digital assistant~~ which has limited space on which to display information, when used to access gambling facilities that the operator intends a customer to use by means of such a device.

Access to responsible gambling tools via any device

- 3.3.3** We intended to use this consultation as an opportunity to reinforce our position on restricted display devices and to invite views as to whether there are areas in which special dispensation on information should be produced. Concerning our overall position: we expect that a player using a restricted display device would still have the ability to use all required responsible gambling tools, such as financial limits or self-exclusion. We would not consider it acceptable to require a player to login via, for example, the desktop website version of the gambling facilities in order to access responsible gambling tools. Such an approach would create unreasonable barriers and may deter or prevent mobile users from utilising the available tools.
- 3.3.4** We accept, however, that there may be devices, such as a smartwatch, where all required functionality is not available. Such an example would be acceptable as smart watches require a mandatory smartphone host in order to operate so the player could simply use the linked phone. We encourage respondents to consider whether there are other areas in which special dispensation information provision should be removed or added to the RTS (question 9).

Questions

- 8. Do you agree with the amended definition for *restricted display device*?**
- 9. Do you consider there to be areas in which special dispensation on information provision should be removed or added to the RTS?**

3.4 Display of Commission licensed status

3.4.1 During the implementation of the Gambling (Licensing and Advertising) Act 2014 the Commission updated licence condition 8 as follows:

Licence condition 8.1.1

Display of licensed status – remote operators

All remote casino, bingo and betting licences other than ancillary licences and remote betting intermediary (trading room only) licences

- 1 Licensees providing facilities for remote gambling must display on every screen from which customers are able to access gambling facilities provided in reliance on this licence:
 - a a statement that they are licensed and regulated by the Gambling Commission; and
 - b a link (which will be supplied by the Commission) to their current licensed status as recorded on the Commission’s website.

3.4.2 However, some operators stated that it would be technically difficult to provide this information where the display was restricted. In response to these concerns we introduced an interim measure, which permitted (at a minimum) for the display of licensed status to be shown to consumers prior to gambling or registering to gamble, for example on the landing or home page for websites and on the app store⁵ download screen for an app. The licence statement and link to Commission website must remain easily accessible to the consumers when browsing or using the gambling facilities (eg within easily accessible terms and conditions). We had agreed for this measure to remain in place until such time that we consult on this further.

3.4.3 Since 1 November 2014 we have seen a range of ways in which operators have met this licence condition. Some have met the requirement in full, whilst others have relied on the landing/home page or the app launch screen. Some operators have used side menus, which consumers can swipe to open, and others have opted to provide this information in the terms and conditions section.

3.4.4 In general we are satisfied that the range of solutions, whilst varied, are sufficient in enabling consumers to see the licensed status of the operator and access a link to the Commission’s public register. We therefore propose to formalise our position in the next LCCP update that restricted display devices do not have to provide the licence display details on every page/screen, subject to the solutions highlighted in paragraph 3.4.2 above.

⁵ Also referred to as an *app marketplace*.

Questions

10. Do you agree with our proposal to formalise our position that restricted display devices do not have to provide the licence display details on every page/screen?
11. Do you agree that the requirement to display licensed status (at a minimum) to consumers prior to gambling or registering to gamble (eg on the website's landing page and on the app store download screen, as well as in terms and conditions) is sufficient? If not which further pages would be sufficient?
12. Should the display of licensed status be more prominent? At present this is generally at the foot of a page/screen. Should it be at the top of the page? We do not currently specify that the Commission logo should be used to meet the licence condition requirement, however we are seeking views as to whether this is clearer and easier for consumers to find and use.
13. Do you have examples of good practice that should be set as a minimum requirement to meet licence condition 8 (of the LCCP)?

3.5 Displaying transactions – amended requirement (RTS 2A)

Displaying the currency value of each stake

- 3.5.1 The aim of RTS 2 is to enable consumers to understand the value and content of their transactions. The gambling system must be designed to make information about the amount of money being gambled by the customer clearly available.
- 3.5.2 The current guidance states that the use of credits, chips or other tokens with no face value should be avoided wherever possible. We consider it in keeping with the aim to propose that where the gambling transaction has a monetary value it must be displayed. This means if the product utilises some form of credit system and the credits have a monetary equivalent, the actual financial commitment of the transaction must also be displayed somewhere on screen. To date the Commission hasn't seen any games that fall short of this proposed requirement.
- 3.5.3 This requirement would not apply to products such as poker tournaments where customers pay a fixed cost to enter and then play with poker chips that do not have a direct monetary value.

Proposed update to RTS implementation guidance 2A

It is preferable for ~~The amount being~~ **financial commitment of each** gambled to ~~should~~ be displayed **somewhere on the screen**, either in the currency of the customer's account or in the currency of the product. The use of credits, chips or other tokens with no face value should be ~~avoided wherever possible.~~ **only be used when the corresponding currency amount is clearly visible, or where the customer is not staking additional money such as in a poker tournament.**

Betting price fluctuations

- 3.5.4** The Commission has been made aware of concerns that bets may be subject to price fluctuations caused by time delays or market movements. This is particularly apparent in the case of fast moving events, such as in-play betting on live-sporting events. It is clear, from a number of complaints received on this topic that consumers are not always aware that event odds may be subject to price fluctuations.
- 3.5.5** In addition, the way in which licensees handle fluctuations may differ. For example, depending on the direction of the price move and which gambling operator the bet is made with, the customer may be re-offered the bet at an adjusted price. In other instances, licensees might automatically accept the bet at a different price without giving consumers the option to adjust or withdraw their initial bet based on the price fluctuation.
- 3.5.6** The recently published [In-play betting position paper](#) clarified our position on a number of areas, including that in-play betting does not appear to cause unacceptable risks to fairness and openness as long as bettors are sufficiently aware of their own position compared to that of other bettors and betting operators. We also highlighted our intention to assess whether the current information requirements sufficiently inform bettors about the handling of bet requests should a price change during the period between a bet request and confirmation.
- 3.5.7** We propose to update RTS 2 to require that licensees give players the choice of what happens in the event that the odds of a placed bet changes before it is accepted. We are aware that some operators are already offering this facility and we consider it important to ensure consumers are able to decide what should happen in the event of a price change.

Proposed new RTS requirement 2C

The gambling system must be designed to enable customers to choose whether to automatically accept price fluctuations that occur after a bet is placed.

RTS implementation guidance 2C

- a. Players should be presented with options to control whether a price change should be accepted or not
- b. These options could be presented to a player on the bet slip or in the account settings
- c. Information sufficient to explain the options to the customers should be provided

Questions

14. Do you agree with our proposal to require operators to give players the choice on whether repriced bets should be automatically accepted or not, as set out above?
15. How do you currently ensure players are informed about how price fluctuations will be dealt with during the bet acceptance process?

3.6 Game identifier – new requirement (RTS 17)

- 3.6.1** We propose to introduce a new requirement for licensees to display game version and potentially supplier details to consumers. We currently require licensees to have version control mechanisms in place to monitor and record gambling software updates, and are exploring whether it will be of benefit to consumers to be able to identify (precisely) which games they are playing and, in B2B arrangements, who is supplying it. Often consumers can only see the game name and this isn't unique enough for them to know which version they are playing, particularly when different providers may have different versions of the same game.
- 3.6.2** An advantage of displaying unique identifiers is that such information will help inform and potentially expedite customer complaints pertaining to a particular game. It would also assist the Commission in compliance review work in order to identify and reconcile games against testing records. The information could be displayed on the gaming screen or via the rules pages.
- 3.6.3** Although we can see merit in such a requirement we acknowledge there are potential issues in how it would be defined. For example, we wouldn't mandate a particular format in case it conflicts with systems already in place. We are specifically interested in the game server version, which contains important game fairness aspects, as opposed to information on client software components such as the smartphone app. Some operators already display this information, but for other operators adding version details to existing games, particularly if software updates were required, could be an issue. Something as simple as adding the version details to game help files would likely suffice.

Questions

- 16. What are your views on the addition of a new game identifier and supplier details display requirement?**
- 17. If you agree, what format would you propose for the display of this information?**

3.7 Live RTP monitoring – amended requirement (RTS 5)

- 3.7.1** The Commission's requirements on monitoring the live return to player (RTP) performance of games were formalised following the recent testing strategy consultation and came into force on 1 September 2016. For example, the updated strategy makes explicit the requirement for operators hosting games of chance to periodically use the transactional data to calculate the actual RTP and compare it against the designed (advertised) RTP.
- 3.7.2** The implementation guidance under RTS 5 will be updated to reflect these changes.

Proposed addition to RTS 5A (addition highlighted)

- b. Reasonable steps include testing of systems and new products against the published rules and monitoring the ongoing performance of those products in the live environment.

Question

18. Do you consider the additional text to RTS 5A to sufficiently capture the new live RTP monitoring requirement, introduced on 1 September 2016?

3.8 Play-for-fun games – amended requirement (RTS 6A)

3.8.1 The current RTS requires that play-for-fun games must implement the same game rules as the corresponding play-for-money games. Although these games are not classified as gambling under the Act, we consider that as play-for-fun games establish a customer's expectations about how the real-money game will behave, it is important for the two types of game to be consistent.

3.8.2 Recently we have started receiving queries about, and seen the emergence of, demo games from suppliers, which have artificially inflated RTP so as to better demonstrate the features of the game. There are also instances in which different licensees offer the same live version of a product running at different levels of RTP.

3.8.3 Mindful that the current wording to RTS 6 might be too restrictive, we propose a minor addition to limit the scope of the requirement to the same gambling facility⁶. The revision will allow suppliers to run games at a different RTP to their operators. Operators will also be able to vary the RTP of their version of a play-for-fun game but in doing so must ensure that RTP corresponds with the equivalent play-for-money game offered on the same facilities. The amendment to RTS 6A is highlighted below:

Proposed addition to RTS 6A (addition highlighted)

Play-for-fun games must implement the same game rules as the corresponding play-for-money games **offered on the same facilities.**

Question

19. Do you agree with the proposed amendment to RTS 6A?

⁶ In this case 'facility' refers to a licensee's gambling website or app.

3.9 New and emerging game designs

3.9.1 We have noted the emergence of new game designs in the remote market, and while we support innovation we want to ensure the evolving designs uphold the licensing objectives. Below are three designs, some of which might encourage negative gambling behaviour:

1. Games in which the return to player (RTP) is increased based on the length of time the game is played
2. Games in which the RTP is increased based on the size of the stake
3. Games with an element of skill in which RTP varies based on player choices

Games in which RTP is increased based on the length of time the game is played

3.9.2 We are concerned that increasing the RTP based on length of play could encourage excessive gambling. The accepted international practice for the design of games of chance (including typical slots and other casino 'against the house' style games) is that each game outcome is random and independent of previous games. This is important for consumer confidence in gambling and to dispel misconceptions related to RTP, including that some games become 'ripe for a pay-out'.

3.9.3 Increasing RTP based on length of play results in games modelled in such a way that the outcome, whilst random, is not independent of previous games. The result takes into account previous play and, as time elapses, the probability of winning or the size of the prizes is increased. This enhanced RTP could encourage excessive gambling as players would be inclined to stay in the enhanced state rather than stop playing and revert back down to the default RTP.

3.9.4 Exact implementations may differ. Games are unlikely to be designed to increase RTP after a specified period of continual play (eg one hour). However, a similar effect is achieved where players accrue special tokens during gameplay and are then rewarded with an increased RTP once X number of tokens have been collected (for example the bonus feature would from then on triple the prizes awarded, which increases the overall game RTP).

3.9.5 We recognise that this design may represent a reduced risk for online games, which can record the game state for each player. This facility, often not present in single session terrestrial games, can enable players to leave the game and return at any point in the future with the same enhanced RTP state. The storage of game state also allows for more innovative games which might incorporate a story into the gameplay.

3.9.6 RTS 7, specifically 7A and 7D, already prohibits adaptive games (those which alter RTP purely based on past payout rates, done to smooth the RTP over shorter periods) yet allows for games which accrue tokens in order to access bonus features. Our aim is to continue with this stance but also to reduce the potential risk of excessive gambling resulting from the misuse of such designs. We would encourage feedback on our intended approach and also about any mitigating measures which could be added (such as only permitting RTP based on length of play when game state is recorded, per individual, for future gambling sessions).

Games in which the RTP is increased based on the size of the stake

- 3.9.7** Games in which the RTP is increased based on level of stake raises similar concerns about encouraging problem gambling. Most typical games of chance (excluding those with skill or strategy) have a single RTP percentage, which over time the game would be expected to achieve. A game which increased the RTP for a 'max bet' (this is in addition to the natural linear prize increase you get from increasing the stake) is effectively two game variations in one. The risk with this design is that players will be inclined to bet more than they otherwise would in order to qualify for the higher return⁷.
- 3.9.8** While it may be accepted practice, particularly in terrestrial gaming, to have different returns for different physical instances of the same game⁸, it is not common to allow differing RTPs within the one instance of a game. To do so means adjusting the prize frequency or pay table amounts in a dynamic manner depending on the stake. This can confuse players on the likelihood of winning when getting used to a game and is what RTS 7A and 7D aim to prevent. Based on the risk of encouraging excessive gambling and confusing consumers with dynamically changing rules, we do not propose to allow such designs.

Games with an element of skill in which RTP varies based on customer choices

- 3.9.9** The final design is one in which games with an element of skill offer a varying RTP component based on the level of player skill. There have long been games with both chance and skill, such as poker or blackjack, in which the RTP will depend on the choices the player makes. However, new game designs add an element of skill to what would otherwise be a chance only game. This could be in the form of a special bonus feature which requires the player to complete a skill-based task, such as answering trivia questions or performing a task requiring dexterity. The special feature will add a variable RTP on top of the fixed base game RTP.
- 3.9.10** Whilst this design might not present the same risk of encouraging excessive gambling as with the other two designs, we would like to explore whether this type of game warrants specific requirements that are not currently adequately addressed in the RTS. The primary aim is to ensure different customers with equivalent skill levels have the same chance of winning. If any other aspects besides the customers' skill can influence the result this needs to be mitigated. For example the customer's internet connection speed or the device they are playing on should not have a bearing on the result they can achieve.
- 3.9.11** It is possible that there are designs that we have not encountered yet and which have therefore not been included within this consultation. Question 22 below invites feedback on other designs which might not currently be accommodated within the existing RTS.

Questions

- 20. Should games with variable RTP based on length of play be permitted only when game state is stored?**
- 21. Do you agree with summation of the risks associated with games in which RTP is increased based on the size of the stake?**
- 22. Are there game design innovations such as those that incorporate an element of skill, for which the RTS could better accommodate?**

⁷ It is prohibited for operators to *encourage* players to bet more, as per RTS 14, though they will likely quickly establish via the rules that betting more yields a higher RTP.

⁸ For example a game title in a machine on the main casino floor with a minimum bet of £1 might return 92%, whereas the same game title setup in a higher minimum bet VIP area machine might return 96%.

3.10 Peer-to-peer poker – new requirement (RTS 11A/IPA 7)

3.10.1 When the original RTS was published the Commission regulated a small proportion of the online peer-to-peer poker market. The Gambling (Licensing and Advertising) Act 2014 means we now regulate all online peer-to-peer poker operators that transact with consumers in Great Britain. We are reviewing the RTS requirements to ensure current controls are sufficient to minimise the risk to the licensing objectives. In August 2015 the Commission asked for information from providers of online peer-to-peer poker to gain a greater understanding of the scale and impact of integrity issues facing this type of gambling⁹.

3.10.2 The call for information exercise sought industry input on four main areas: collusion, automated poker robots (Bots), third party poker software and poker hand histories. We also invited more general views on the impact of game integrity issues and how they are dealt with. Additional information was gathered from case work, other gambling regulators and members of the public. While the exercise identified a number of good practice measures, it also identified inconsistencies and issues across the industry, which we are seeking to address by proposing new requirements in the RTS.

Record-keeping (closed accounts)

3.10.3 One such inconsistency is the manner in which licensees' record information about customer accounts that have been closed as the result of an investigation where a player sought to gain an advantage over other players in contravention of operator rules. We are proposing to introduce a new requirement setting out the need for licensees to maintain accurate records of closed accounts¹⁰ and those affected by the actions of the closed account. Licensees will be expected to record:

- i. Player details (name, location, which licence the activity was in reliance on), scale of the offences (financial and number of players), time and date etc
- ii. What was the reason for investigating, including whether it was initiated by customer contact and the outcome
- iii. Any relevant evidence such as reports, screenshots, chat history etc.

3.10.4 Actions that result in accounts being closed have the potential to impact players across all jurisdictions. For this reason we are proposing that the record keeping applies to all offenders or victims of activity described in paragraph 3.10.3, playing in a liquidity pool accessible by customers gambling in reliance of a Commission licence. For clarity, we expect all such instances in these liquidity pools to be recorded regardless of whether or not a Commission licensed player has been directly affected by, or involved in, such behaviour.

3.10.5 The reliable recording of information is important to ensure that suspected offences are reported to the Commission in a consistent manner. We intend to produce separate guidance for poker operators to simplify the reporting process.

Confiscated funds

3.10.6 Poker operators routinely freeze accounts during investigations for suspected offences and this can result in funds being confiscated where the operator is satisfied that the account holder has acted in a manner which is not in accordance with the rules. In some of these cases the funds confiscated will belong to other players who are the victims of the guilty party. It appears that customers are insufficiently informed about what an operator will do with these funds or the expectations of financial recovery.

⁹ Including network operators and standalone B2Cs.

¹⁰ In this context a *closed account* is defined as an account which remains closed following investigation by the licensee.

3.10.7 We are aware that many integrity issues are complex and that it is not always possible for operators to treat funds in the same manner on every occasion. This is further complicated by the speed of transactions and the involvement of multiple operators/jurisdictions. Despite these complexities we are of the view that more can be done to improve transparency.

3.10.8 We propose that poker operators be required to set out a brief description of their policy for dealing with funds that are recovered from players in integrity cases. This would not be expected to cover every scenario but would seek to highlight the main aims of the policy. For example, this could include stating that affected customers will receive a portion of recovered funds on a sliding scale where the largest amount is awarded to the players that were most affected. It may be appropriate to set out examples of the approach that will be taken in simple cases.

Technical detection methods

3.10.9 Due to the increasing complexity in identifying sophisticated offenders it is becoming more important that operators develop technical methods to combat this risk. We are aware that statistical analysis is used by some operators to compliment a suite of other tools. We therefore propose that all operators should implement methods to analyse and assess the gameplay of players on a risk based approach.

3.10.10 This approach should involve identifying players that an operator deems higher risk and periodically checking their gameplay statistics for unusual behaviour, for example where there are suspicious similarities between groups of individuals with high win rates, or where gameplay indicators stand out as being irregular.

3.10.11 This is not to suggest that statistics can identify all players that are in breach of rules but that, when used in conjunction with other methods, they can be a useful addition to detecting suspicious play.

Review of policies and procedures

3.10.12 In some instances poker customers will seek to find new ways to take advantage of opponents by breaking the rules that other consumers adhere to. We propose to update RTS 11 to specify that licensees must monitor the effectiveness of their policies and procedures for detecting and preventing collusion and other prohibited activity. This assessment should also consider whether sufficient resource is dedicated to mitigating the identified risks and take into account the player types and behaviour patterns of the accounts that have been closed as the result of an investigation. The information recorded about accounts that have been closed should be used to identify player types and behaviour patterns that present a higher risk. This data should be used when updating policies and procedures.

Next steps

3.10.13 We intend to produce guidance for poker operators, which aims to simplify the process of reporting suspected poker offences to the Commission and ensure the information is consistent and sent in the desired format.

Proposed addition to RTS 11 (additions highlighted)/IPA 7

RTS requirement 11A

Measures intended to deter, prevent, and detect collusion and cheating must be implemented. Gambling systems must retain a record of relevant activities to facilitate investigation and be capable of suspending or disabling player accounts or player sessions. Operators must monitor the effectiveness of the measures implemented.

RTS implementation guidance 11A

- d. Detection measures may include, detecting and investigating the following, where appropriate:
 - i. players who frequently share the same tables
 - ii. players from same address who share the same table
 - iii. suspicious patterns of play (such as chip dumping)
 - iv. unusual gameplay statistics
- e. Customer complaints about cheating should be investigated.
- f. Records should be kept of investigations which result in an account being closed including:
 - i. player details (name, location, which licence the activity was in reliance on), scale of the offences (financial and number of players), time and date etc.
 - ii. the reason for investigation (including whether it was initiated by customer contact) and the outcome
 - iii. any relevant evidence such as reports, screenshots, chat history etc.

This information should be considered when updating the risks identified in relevant policies or procedures.

IPA 7A RTS requirement 11B

Information must be made available about the operator's policies and procedures with regard to cheating, recovered player funds and about how to complain if a customer suspects other participants are cheating.

IPA 7A RTS implementation guidance 11B

- a. As a minimum deterrent, customers should be informed that accounts will be closed if the customer is found to have cheated.
- b. Relevant information should be included in terms and conditions or rules.
- c. Information should include how an operator deals with seized funds recovered following integrity investigations. It is not expected to cover every scenario but should highlight the main aims of the policy.

Questions

23. Do you agree with our proposal to require operators to record accurate information of player accounts that are closed?
24. Do you agree with our proposal to require operators to publish a brief policy description that outlines how the operator intends to treat funds that are recovered from players whose accounts are closed for integrity issues?
25. Do you agree with our proposal to require operators to utilise gameplay analysis to identify players that may be in contravention of an operator's rules?
26. Do you agree with our proposal to introduce the requirement that operators must monitor the effectiveness of their policies and procedures for detecting and preventing collusion and other integrity issues?

3.11 Use of third party software - new requirement (RTS 16)

- 3.11.1** The use of third party software¹¹ in remote gambling is a complex area, which has generated enquiries to the Commission over recent years. Gambling operators, largely those that offer peer-to-peer products, tend to permit certain kinds of third party software but prohibit others. Although this section is largely focused on peer-to-peer poker it also covers other products where assistance software is used. For example, betting exchanges permit the use of automated bet placement software ('Bots') that executes based on predetermined criteria and enables customers to quickly back or lay selections more easily.
- 3.11.2** There are various types of third party software designed to work alongside online poker clients. Examples of third party software include, but are not limited to:
- Programs designed to interpret, analyse, or assist with live poker hands
 - Heads Up Displays (HUDs)
 - Seating scripts
 - Software designed to automatically participate in gambling on behalf of a human (sometimes referred to as a 'Bot')
- 3.11.3** Over time poker operators have assessed the impact of third party software on the ecology of their product and introduced restrictions in accordance with their preferred business model. For example, in order to attract recreational players, several poker sites removed the facility to export hand histories, introduced anonymous tables or removed the ability for a customer to select which seat to begin playing at.
- 3.11.4** Whilst we do not think it is appropriate at this stage to be prescriptive about the types of third party software that should be permitted, we have concerns about the level of information provided to customers. The fair and open licensing objective requires licensees to ensure customers have access to sufficient information to make an informed decision about a gambling product. Our evidence suggests that the information provided about third party software is inconsistent, hard to find or not made available altogether. This can leave less informed players at a disadvantage to those competitors who choose to use third party software.

¹¹ *Third party software* refers to software that is separately available from the core software product and is designed to add optional features. It includes additional software, supplied, or used, by the gambling operator, or player, which wasn't part of the basic package.

3.11.5 We propose that licensees must make it clear to customers whether the use of third party software is allowed and if so the type(s) of software that are permitted. This will not have to be an extensive list; a description setting out the key features of the types of software permitted will be acceptable. Publishing information on the website alone would not be sufficient. Licensees will be expected to send periodic updates to consumers through email or other means of communication, to ensure the knowledge is maintained and that customers are informed regarding any changes to the policy.

3.11.6 In addition, we propose to update the wording on the existing requirement so that gambling operators that prohibit the use of any third party software must implement policies and procedures to deter, detect and prevent its use. We recognise that such practices are common amongst gambling operators that do not allow the use of Bots, however it is important to ensure this minimum standard is maintained by all licensees and covers all applicable software¹². This proposed requirement dovetails with the proposal for RTS 11 that licensees must develop technical ways of detecting customers not playing within the rules.

Proposed new requirement (formerly IPA 4 with some additions highlighted)

**IPA 4/ RTS 16– Use of automated third party gambling software
Peer-to-peer gambling**

RTS aim 16

To make customers in peer-to-peer(s) gambling aware that they may be gambling against a software program (designed to automatically participate in gambling within certain parameters, sometimes referred to as a bot), or a human aided by third party software rather than another (human) participant. This software is sometimes referred to as a robot or bot.

IPA RTS requirement 16A

Where peer-to-peer(s) customers may be gambling against programs deployed by other customers to play on their behalf, or customers assisted by third party software, information should be made available that describes that this is possible, and if it is against the operator's terms and conditions to use certain types of software, how to report suspected robot use.

RTS requirement 16B

Operators must make it clear to players whether the use of third party software is permitted and if so which types. Operators that prohibit certain types of third party software must implement measures intended to deter, prevent, and detect their use.

RTS implementation guidance 16B

- a. Clear, accessible information about the types of software that are permitted or prohibited should be made available. This does not have to be an extensive list but could be a description of the key features of the software.
- b. Operators should take steps to contact customers (via email, inbox message or some other appropriate method) to draw their attention to this information. Periodic updates should be sent to ensure up-to-date player knowledge is maintained.

¹² The use of automated robots (Bots) on betting exchanges appears to be widely accepted by operators as it facilitates the efficient seeding of betting markets and improves customer experience by reducing the time required to place bets. In poker, Bots are prohibited as they are seen to be detrimental to the product and not acceptable to the majority of the poker community.

Questions

27. Do you agree with our proposal to require gambling operators to detail what type of software they permit players to use?
28. Do you agree with our proposal to require gambling operators to contact players to draw their attention to what type of software is permitted?
29. Do you agree with our proposal to require gambling operators that prohibit certain types of software to implement policies and procedures to prevent their use?

3.12 Financial Limits – amended requirement (RTS 12)

- 3.12.1** The requirement for licensees to offer facilities that enable consumers to control their level of spend, has been in force since the RTS were first published in 2007. The purpose of this provision is to provide the consumer with facilities that may assist them in sticking to their personal budgets for gambling. The provision of effective tools to help consumers manage their gambling better is a key component of any strategy to minimise gambling-related harm. In October 2015 the following amendments came into effect:
- RTS 12A and 12B: amended to include the time periods for which financial limits must be offered
 - RTS 12B: new requirement that customer limits can only be increased once the customer has taken positive action at the end of the cooling-off period to reconfirm their request.
- 3.12.2** The existing RTS guidance provides that *[financial] limits could be implemented across all products or channels or individual products and channels*. It is apparent that whilst some licensees provide consumers with the option to set limits at an account level (ie across all products) others limit the feature on a per product basis. Setting limits at an account level upholds the fair and openness objective by enabling consumers to manage spend across a range of gambling products. We therefore propose to amend RTS 12A requirement to require that consumers are given the option to set financial limits at an account level. This amendment does not affect the provision for licensees to offer limits for individual products, though consumers must be given the choice to set account level limits.
- 3.12.3** The revised RTS requirement will set out that where an operator offers the provision to set limits on a per product basis, it should be clear to consumers using the facility that a limit will need to be set for each individual product. For example, where a limit has been set for a specific game a consumer should not be misled into assuming that the limit automatically rolls-over to other products.
- 3.12.4** We have received queries concerning setting limits for simultaneous time frames, specifically which limit should apply in the event that a consumer sets a daily deposit limit and a weekly limit, which are different. We propose to update the guidance to clarify that whilst licensees may provide the ability to set more than one timeframe simultaneously (eg a daily and monthly loss limit simultaneously), the lowest limit should always apply. Therefore if a daily deposit limit of £10 and a weekly of £100 are both set then a maximum amount that can be deposited is £10 per day and £70 per week.

3.12.5 The current requirement states that *the gambling system must provide easily accessible facilities that make it possible for customers to impose their own financial limits*. A number of stakeholders have requested clarification on the term *easily accessible* with regards to the implementation of financial limits (RTS 12) and reality checks (RTS 13). We have developed a definition for the term *easily accessible*, and have added this to the definition of terms table in the revised RTS. The definition is set out in full at the end of this section.

Proposed addition to RTS 12A (additions highlighted)

RTS requirement 12A

The gambling system must provide easily accessible facilities that make it possible for customers to impose their own financial limits. Customers must be given the opportunity to set a limit as part of the registration process (or at the point at which the customer makes the first deposit or payment). **Customers must also be given the option to set financial limits at an account level.**

For lotteries, where the customer's spend is controlled through subscriptions, additional facilities do not have to be provided.

- d. The period/duration of the limits on offer should include:
- i. 24 hours
 - ii. 7 days and;
 - iii. one month
- e. In addition:
- i. limits may be implemented per customer, per account, or by other means
 - ii. limits could also be implemented across all products or channels or for individual products or channels. **Where limits are also set across separate products it should be clear to customers using the facility that a limit will need to be set for each individual game. For example, where a limit has been set for a specific game a customer should not be misled into assuming that the limit automatically applies to other products**
 - iii. financial limit facilities should be provided via a link on the home page
 - iv. facilities should be available on deposit pages/screens or via a link on these pages/screens.
 - v. **Where a customer sets simultaneous time frames, for example a daily deposit limit and a weekly limit, the lowest limit should always apply. Therefore if a daily deposit limit of £10 and a weekly of £100 are both set then the maximum the system should allow to be deposited is £10 per day and £70 per week.**

Definition of terms

Proposed definition for the term ***easily accessible***

This term generally means the facility or information is either on the screen, or can be intuitively accessed via efficient navigation/means.

Questions

30. Do you agree with our proposal that licensees must give consumers the option to set account-level financial limits?
31. Do you agree with our proposal that where limits are set across separate products it should be clear to consumers using the facility that a limit will need to be set for each individual product?

3.13 Reality checks – amended requirement (RTS 13)

- 3.13.1** The Commission consulted on [strengthening social responsibility](#) in 2014 and the responses to this were published in 2015. As a result of the consultation we introduced a new RTS requirement for consumers to be able to set a 'reality check' in order to help manage the time they spend gambling. The new requirement was added as RTS 13B and applies to those licensees offering remote gaming (including bingo but excluding other peer to peer gaming) and remote instant win lotteries.
- 3.13.2** The requirement came into effect on 30 April 2016 and was supplemented with additional guidance in our [blog](#). As the requirement has only been in place for a short period of time we only have very limited information on its use by consumers. We propose to incorporate the majority of our supplementary blog guidance into the RTS 13B implementation guidance. We also invite views on any suggested amendments or additions to the requirement and current guidance (both within the RTS and as is currently provided in the blog). This could include providing views on what constitutes good practice.
- 3.13.3** The blog set out two acceptable approaches for implementing the reality check requirement based on whether the licensee uses:

Player account level implementation

This is where the reality check is set at account level and as a result there is a single reality check for all products. In the main there are two different approaches to account level implementation.

1a: Reality check commences at start of gaming session

This is likely to be considered the optimal approach as it means a single reality check is in operation and consumers will not have multiple reality checks running concurrently if they choose to play multiple products. It allows consumers to set a reality check reminder for their account, which would apply to all gaming sessions and could be amended by consumers as required. The reality check would pause when a customer exists a gaming session and re-commence when logged into another.

We propose to update the definitions of terms to explain how the Commission expects licensees to interpret a 'gaming session'. See text box at end of this section for the proposed definition.

1b: Reality check commences when set or customer logs into their account

An operator may elect to simply implement the timer so that it commences when the consumer sets it or subsequently logs into their gambling account. This solution would meet the requirement although it would not take into account natural breaks in play, such as when consumers are in the casino lobby but not within a gaming session. This solution would also mean that non applicable gambling activity, such as betting, is included in the reality check rather than just the applicable activities.

Product level implementation

This is where an individual product or sub-set of products have their own reality check and other products or groups of products have their own reality check. As a result a consumer may have multiple reality checks operating concurrently.

The consumer cannot set an account-wide reality check but must be offered easily accessible facilities to do it before each gaming session, ie before commencing play on a particular slot game or a group of slot games offered by a particular supplier. The limitations of this solution are that the reality check will only be applied to a sub-set of products and the consumer would need to set a reality check again for other products and the timer for each new reality check would start from zero. It may also lead to reality checks operating concurrently and consumers getting multiple reminders.

- 3.13.4** Regardless of which implementation method is used the information provided to consumers must clearly set out how the option available works and in the case of the product level implementation, consumers must be advised that they will need to set a limit for a product or group of products for each session.

Definition of terms

Proposed definition for the term *gaming session*

A gaming session is the playing of any of the applicable activities and commences when a player starts playing a game for real money. A gaming sessions ends when a player exits a game.

Proposed addition to RTS 13B (addition highlighted)

RTS implementation guidance 13B

- a. The customer should be offered the opportunity to set or amend a reality check via easily accessible means at all times. Customers should be able to and select a frequency at which the reality check will appear on the screen prior to commencing gameplay. ~~The e~~ Customers should ~~can~~ be offered presented with a pre-set list time periods but these must have a reasonable and appropriate range of time periods from which to select and where a default time period is offered it must be set at the minimum
- b. The reality check should continue to appear at the selected time intervals until the customer's gaming session ends (see definition of terms) or the customer exits their account (this will depend on solutions i. ii. iii. below). If a customer is participating in multiple gaming sessions at once (eg playing bingo as well as participating in slots games in between draws) the gaming session began when the player commenced with the first product.
 - i. Player account level implementation. There are two potential solutions for account level implementation. The optimum approach would enable customers to set a reality check reminder for their account, which would commence at the start of the first gaming session and roll over to subsequent sessions. An alternative solution would be for the reality check commence before a customer accesses a gaming session (eg at account login stage). The second solution would meet the requirement although it would not take into account natural breaks in play, such as when customers are in the casino lobby.
 - ii. A product level implementation. This approach will require a customer to set a reality check for each individual gaming session, for example the player commences playing roulette and then later starts playing blackjack and has two reality checks running concurrently but covering different time periods.
 - iii. A hybrid solution where some games are subject to one reality check and others are subject to another for example all slots games are subject to a single reality check and all live dealer products are subject to a separate reality check

A clear explanation of how the reality check is implemented must be provided to players so they are aware of how they can use it to assist them in managing their gambling. Where possible player's preferences should be applied to all future account logins or gaming sessions (where applicable). If this is not possible players must be provided with clear information that explains that they will have to set reality check for each account log in or gaming session.
- c. The reality check should offer the facility to exit the gambling session or log the customer out of their account (depending on which of the above solutions is adopted).
- d. The reality check should provide a link to the customer's account history.
- e. The reality check can be presented at the end of a game but a player cannot be permitted to commit further funds to a new game until they have acknowledged the reality check, unless it occurs mid-way through a multi-state game such as blackjack where a player would need to commit additional funds if they wanted to split or double down.
- f. The reality check must prevent a new game within an auto-play sequence from commencing until the player has acknowledged the reality check.

Questions

- 32. Do you consider the proposed definition for *gaming session* to be sufficient?
- 33. Do you agree with the proposed amendments and additions to RTS 13B?

3.14 Live dealer studios - new requirement (RTS 18)

- 3.14.1 Many remote casinos offer consumers the ability to gamble on physical casino events such as actual roulette wheels and card games administered by a croupier. The events often take place in dedicated live dealer studios with the video live streamed to consumers.
- 3.14.2 We are aware that many live dealers are also licensed in other jurisdictions (eg Alderney, Isle of Man and Denmark) where annual audits are required. Given the defined scope of a live dealer operation, the recent [testing strategy consultation](#) proposed that audits performed for other jurisdictions should suffice for our assurance requirements. However, *where live studios have not been audited*, we proposed that one will need to be carried out against standards similar to those of other jurisdictions. The proposed new requirement sets out the specific standards that we would expect licensees that offer live dealer provision to adhere to. Adherence to these standards will need to be verified by a Commission approved test house and on an annual basis thereafter. Licensees audited by other jurisdictions will generally be able to provide evidence of those audits to satisfy this requirement.
- 3.14.3 We consider it to be more appropriate to include these standards within the RTS given the testing strategy's focus on the pre-release testing of gambling software. Further, the testing strategy does not address the fairness assurance of live dealer operations, in which fairness is controlled by other factors such as people, physical equipment, processes and procedures.

Proposed new RTS for Live dealer studios
RTS 9 – Live dealer studios
Gaming (including bingo)

RTS aim 18

To ensure that live dealer operations are fair.

RTS requirement 18A

Live dealer operations must be fair and independently auditable.

RTS implementation guidance 18A

- a. Equipment and consumables should be of commercial casino quality. Designated staff should be responsible for monitoring the integrity of all operational equipment.
- b. Croupiers need to undergo adequate training to provide the gambling in a fair way according to documented procedures and game rules. Evidence of training and refresher training should be maintained.
- c. Gambling provision should be supervised by staff responsible to oversee dealer activities and integrity. Video surveillance to record all dealer activity should be in place, enough to cover the predefined gaming areas with sufficient detail to confirm whether dealing procedures and game rules were followed.
- d. Secure areas, gambling equipment and consumables shall be protected by appropriate access controls to ensure that only authorised personnel are allowed access.
- e. Game logs should be maintained and game events collated into statistics which can be analysed for trends relating to game performance, staff and/or locations in the gaming area.

Questions

34. Do you agree with the inclusion of a set of standards in the RTS for providers of live dealer studios that have not been audited by other jurisdictions?
35. Do you consider the live dealer standards, as set out above, to be sufficient?

3.15 Progressive jackpots – new requirement (RTS 9)

- 3.15.1** Progressive jackpots are growing in popularity and the prize levels are reaching significant values. In addition, the complexity involved due to multi-party arrangements and by linking games which were not originally designed to operate in a jackpot system introduces risks to the fairness and openness of these products. We have received enquiries about how to handle certain situations related to jackpot operations and can see a need to formalise expectations within the RTS.
- 3.15.2** Although some of the existing RTS requirements give guidance on certain aspects of jackpot operations, there are other areas not adequately covered. We propose to add a new jackpot RTS requirement to capture these in one area. To summarise we propose to cover the following areas:
- Customer information regarding whether the game is eligible to win a jackpot, how the jackpot can be won and greater transparency in relation to the customer contributions that fund the jackpot's increase
 - Ensuring jackpot values are refreshed frequently enough on customer displays, including adequate refresh or notification upon a jackpot win and reset
 - Rules and technical capability to handle simultaneous wins, especially where communication delays increase their likelihood
 - How to handle contributions which may exceed the ceiling limit of a jackpot (pooling them in a reserve fund)
 - Timely notification of a jackpot win to the winning customer and other participating customers
 - Acceptable procedures for the fair decommissioning of a jackpot containing customer contributions.
- 3.15.3** The text overleaf shows the requirements we are proposing for progressive jackpots in more detail. We seek feedback on these proposed measures, in particular how customers using restricted display devices can always see the current value of a jackpot, and on the technical ability to notify participants when someone else has triggered a jackpot.

**Proposed new RTS for progressive jackpots:
RTS 9 – Progressive jackpot systems
Gaming (including bingo)**

RTS aim 9

To ensure that progressive jackpot systems operate fairly.

RTS requirement 9A

An explanation of the jackpot rules must be easily available to the customer before they commit to gamble.

RTS implementation guidance 9A

- a. The rules for a jackpot shall describe how it is funded, both in the start-up seeding and ongoing player contributions.
- b. The rules for a jackpot shall describe how the prizes are determined and awarded, including what happens when two or more players are awarded (or due to network latency issues they appear to be simultaneously awarded) the same jackpot value.
- c. All eligible players should be able to see the current jackpot values and these should be updated as frequently as practicable, particularly after the amount has been reset following a win.
- d. Where a jackpot is capped at a ceiling value, an explanation of how subsequent player contributions are handled should be provided (eg the operation of any redirected overflow or reserve pools).

RTS requirement 9B

Jackpot systems must be configured and operated with adequate fairness and security.

RTS implementation guidance 9B

- a. The gambling system shall maintain strict access and logging controls over the configuration and changes made to live jackpots.
- b. Where a customer contributes to a jackpot pool, that customer should be eligible to win the jackpot whilst they are playing that game. The chances of winning a jackpot should increase in correlation with the amount contributed.
- c. Where a jackpot containing player contributions is decommissioned those contributions need to be returned fairly according to the circumstances, with priority given to the players who made the contributions. Some example methods to achieve this include:
 - i. waiting until the jackpot is next awarded before decommissioning it
 - ii. adding any remaining contributions onto another jackpot system, preferably one with a similar player base
 - iii. returning remaining contributions as a one off event, with adequate customer disclosure to explain the origin of the money.
- d. The gambling system shall ensure that a winning customer is notified of a jackpot immediately after it is triggered and that other participating customers are adequately notified of the jackpots reset value.

Question

36. Do you consider the progressive jackpot standards, as set out above, to be sufficient?

3.16 Virtual sports odds – additional guidance (RTS 3C)

3.16.1 During our pre-consultation engagement with the industry the presentation of odds for virtual betting products was identified as a possible area of review. Betting on virtual events has grown, and innovation and technical advances have significantly increased the complexity of some virtual betting products; which can now feature in-play and accumulator bets.

3.16.2 The following issues were identified as requiring further consideration:

Odds vs likelihood of winning

3.16.3 Unlike real event betting, where the odds offered are based on the opinion of the bookmaker, the outcomes of virtual event betting are determined by the design. The odds offered on a real event (ie football match) can be used to determine the implied probability of a particular outcome occurring but this is then subject to the uncertainties of a real life event. However, for virtual event betting the precise probability of each outcome is known and therefore our view is that the odds offered (allowing for the operator's margin) should accurately reflect the likelihood of an event occurring in order not to mislead consumers. We consider it important to reinforce this principle as part of the fair and open provision and propose to include further guidance to RTS 3C.

Rounding of odds

3.16.4 As the complexity of virtual betting products have increased, this has highlighted cases where the typical odds ladder offered by operators does not offer sufficient granularity to reflect the probability of the outcome occurring. This could lead to setting the odds to be offered to the nearest available odds on the ladder. If we assume consumers use the odds offered as the basis for the likelihood of an outcome occurring this has the potential to not give an accurate reflection of the real likelihood.

3.16.5 For example if the odds ladder has 10/1, 12/1, 14/1 etc a developer could produce a game that gave a selection an outcome probability of 7.7% (11.99/1). This may be displayed as 10/1 in the absence of 11/1 being available. Another selection could have an outcome probability of 9.05% (10.05/1), and this be displayed as 10/1 also. Therefore, both would be presented as having the same odds despite one selection having around an 18% higher probability of occurring than the other.

3.16.6 This raises two issues: firstly the granularity of the odds ladder, and secondly the approach to rounding. For the granularity of the odds ladder we are proposing to add guidance in RTS 3C to ensure the granularity is sufficient to avoid misleading consumers on the likelihood of an outcome occurring, due to there being insufficient intermediate steps on the ladder.

3.16.7 In the case of rounding we intend to add guidance to ensure that licensees set out their treatment of rounding in their rules and/or terms and conditions so consumers are made aware of the approach. We also intend to require that where rounding takes place it is to the nearest odds (ie not always rounded down).

Presentation of odds (fractional vs decimal)

3.16.8 The final issue that we are consulting on was raised in connection with virtual event betting but may also arise in real event betting.

- 3.16.9** Licensees generally allow consumers to choose via settings how odds are displayed, typically fractional or decimal. Discrepancies potentially arise where the fractional odds ladder and decimal odds ladder do not directly match. For example a consumer placing a bet of £100 at 13/8 would see a profit of £162.50 should the bet win. If this price is displayed as 2.63 as a decimal as opposed to the more accurate 2.625 then the consumer would be expecting a profit of £163 but only get £162.50 if the bet is settled at the fractional price. This issue can be multiplied several times over when considering accumulator bets.
- 3.16.10** We accept that operators will offer to present odds in different formats to meet consumer preferences, but believe it is something licensees should take into account in order to ensure gambling is offered in a fair and open way. We therefore propose to include further guidance in RTS 3C setting out our expectation that the rules made available should explain how bets are settled when consumers are offered the opportunity to choose odds to be displayed in other formats. For example licensees might state that “all bets are settled at fractional/decimal odds”.

RTS implementation guidance 3C

- a. The following items provide further guidance on acceptable types of information about the likelihood of winning:
- i. for types of peer-to-peer games where the likelihood of winning may depend on skill and/or the actions of other participants, a description of the way the game works and how winners are determined will be sufficient;
 - ii. for bingo, and some types of lottery or other games where it is not possible to determine the likelihood of winning because it depends on the eventual number of participants, a description of the way in which prizes are allocated will be sufficient.
 - iii. the average theoretical return to player percentage. Where an event (other than peer-to-peer) involves an element of skill, return to player percentage should be calculated using either the auto-play strategy or a standard/published strategy;
 - iv. the house edge, margin or over-round, for example for a virtual race;
 - v. the probability of each winning event occurring, or such information as may reasonably be expected to allow the customer to calculate the probability that the event will occur. The nature of some games may mean that the game itself provides sufficient information, for example, the likelihood of rolling a six on a six-sided die would not require further explanation.
 - vi. the odds displayed in virtual event betting should reflect the probability of each event occurring as closely as possible. The range of odds offered should be sufficient to ensure that there does not need to be significant rounding of odds. Where odds are rounded to fit the range of odds offered the approach to doing so must be set out in the information made available to players and wherever possible rounding should follow the standard approach of rounding up or down to the nearest available odds.
 - vii. the treatment of rounding of odds should be set out in the rules.
 - viii. the odds format that will take precedence in settling bets must be set out in the rules.

Questions

- 37. Do you agree with the principle of adding further guidance for virtual sports odds to ensure fair and open objectives are met?**
- 38. If you agree, is the Commission’s position (as set out above) sufficiently clear? If not, what changes should be made?**

3.18 Information Security Standards

- 3.17.1** This section is most relevant to information security officers within remote licensees and to external information security auditors. The security requirements within the RTS were selected from the ISO 27001 information security management standard. Of the 114 requirements defined in the overall standard we defined 45 for inclusion in the RTS. We intend to review the information security standards contained within the RTS to ensure they still remain appropriate to capture the main risks inherent in remote gambling.
- 3.17.2** Our aim in setting out security standards is to ensure that customers are not exposed to unnecessary security risks by choosing to participate in remote gambling. In addition to the risks inherent in other forms of ecommerce, those of personal information and credit card theft, remote gambling carries additional risks. Remote gambling operators, like banks, hold customer deposits and the operator controlled gaming system that accepts the customers' bet also decides whether the gamble wins or loses¹³.
- 3.17.3** For ecommerce, security risks are commonly articulated in terms of preventing loss, misuse, disclosure or damage to critical or sensitive information or systems. We wish, as far as possible, to minimise those risks and we will require operators to take all reasonable measures to ensure that:
- sensitive customer data remains confidential and is protected from theft and misuse – such sensitive information includes names, addresses, credit and debit card information, account numbers, passwords, PINs and answers to security questions;
 - customer accounts are available when required and authorised, so that customers have up-to-date information about their accounts and are not denied access to any funds the operator may hold on their behalf without good reason;
 - the integrity of gambling and account transactions can be assured and that modifications to accounts and gambling transactions can be traced and explained;
 - customer transactions (eg financial transactions, unsettled/ante-post bets) are not lost through, for example, systems failures, or unauthorised modification by entities internal or external to the operator; and
 - the integrity of game outcomes can be relied upon – where events are based on the output of random number generators, the random numbers and the means by which they are used to determine the game outcome are to be protected from unauthorised modification and can be traced and explained.
- 3.17.4** Since the original definition of the in-scope security elements we have identified other requirements that are pertinent to remote gambling and propose to include them in the RTS, as set out below:
- *16 Information Security Incident Management* (numbering from the ISO 27001 standard) – Even systems with the most mature information security measures can be compromised. This might result in the breach of player data, loss of player funds or the loss or corruption of gambling history transactions. A key event already exists for the reporting of notable incidents to the Commission, this provision aims to ensure a consistent and effective approach to the management of information security incidents. This would include ensuring adequate preparations are in place to rapidly respond to incidents and determine the appropriate communication.

¹³ The risk is increased as there is no separation between the bet acceptor and the outcome determination.

- *14.2 Security in development and support processes* – There are a total of nine sub-requirements to this section. They cover things such as ensuring restricted access to who can modify sensitive source code, oversight of any aspects outsourced to external developers, and system security testing performed during development. This is important in a gambling environment, particularly where the gambling software determines results. However we already have bespoke requirements covering the secure development of gambling software in the testing strategy (section 6) and therefore this is not an uncontrolled area at present. Adding these elements into the security requirements would be a duplication of some parts but would also provide a more holistic set of security requirements. We are seeking views on the merit of its inclusion.
- *14.3 Test data* – There is one requirement in this section dealing exclusively with ensuring that test data is carefully selected and controlled. As development environments are often not subject to the same security and audit logging measures as operational systems there is a risk of customer data and other sensitive information being stolen when it resides in development environments. To test system developments it is often the case that a copy of the operational data is used as it more accurately reflects the live environment. Properly controlled test data should have personal information garbled so if it was compromised it isn't of use.

3.17.5 We would also welcome input on the overall security requirements we currently have selected and whether there are others that should be included. We acknowledge that the more holistic approach would be to require the complete ISO 27001 standard, and many operators have voluntarily elected to do so. However the original aim in selecting only a subset of the entire standard was to ensure we are proportionate and primarily focused on player related risks rather than business risks that will already be managed by licensees. That is why for example we haven't selected *17 Information security aspects of business continuity management*, as the ability for an operator to continue trading after an incident is not of primary concern to the regulator but will be a primary business risk already managed by operators. We have however included *system backup* requirements to ensure gambling transactions and player balances are protected.

Questions

39. Do you agree with the inclusion of the following additional ISO 27001 standards:
- a) *16 Information Security Incident Management*
 - b) *14.2 Security in development and support processes*
 - c) *14.3 Test data*
40. Are there information security standards not listed above that you think should be included in the amended RTS?

4 Other changes

In-running vs in-play betting

- 4.1 Since the RTS was written in 2007 language surrounding betting has developed and the Commission wishes to keep the document relevant. The current wording in IPA 3 uses 'in-running' to describe bets placed on 'live' events. This is more closely associated with racing events and does not adequately cover the other types of events that are bet on after the event has started. We propose replacing *in-running* with the more common and widely recognised terminology *in-play*.

Questions

41. Do you agree with the proposal to replace 'in-running' with 'in-play'
42. Are there any other potential regulatory impacts of the proposals in this document that we have not identified?

5 Related programmes of work

- 5.1 The below paragraphs provide a summary of other, longer term, programmes of work that may impact the technical standards.

Information to players

- 5.2 The Responsible Gambling Trust, together with industry representatives are leading on a separate programme of work that seeks to explore what information players should be able to access concerning their play. This will review what information players can currently access about their own play across different sectors, evaluate what information is most effective and develop best practice guidelines. This work is not planned to deliver until 2017, but initial testing of ideas should be started this year. We will continue to monitor the outcomes of the future impact on the technical standards.

Unfair terms and conditions

- 5.3 Over time, the Commission may make amendments to the RTS to tackle any specific remote technical issues emerging from our work with the Competition and Markets Authority about the use of potentially unfair terms and misleading practices.

6 How to respond

- 6.1** Please complete the responses template provided and send by email to: consultation@gamblingcommission.gov.uk . Further information and assistance is available from our consultation co-ordinator at the same email address. If you are not able to use the template provided, please indicate clearly the questions or issues to which your comments refer.

Alternatively, responses can be sent by post to:
Jamie Wall
Gambling Commission
Victoria Square House
Victoria Square
Birmingham B2 4BP

- 6.2** The closing date for receipt of responses is 17 January 2017.
- 6.3** When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of an organisation, please make clear who or what that organisation represents. If responding as an individual, please mention your own interest.
- 6.4** Please note that responses may be made public or published in a summary of responses to the consultation unless you state clearly that you wish your response or name to be treated confidentially. Confidential responses will be included in any statistical summary of numbers of comments received. If you are replying by email or via the website, unless you specifically include a request to the contrary in the main text of your submission, we will assume your consent overrides any confidentiality disclaimer that is generated by your organisation's IT system.
- 6.5** Any information or material sent to us and which we record may be subject to the Freedom of Information Act 2000 (FOIA). Our policy on release of information is available on request or by reference to our website www.gamblingcommission.gov.uk. We will treat information marked confidential accordingly and will only disclose that information to people outside the Commission where it is necessary to do so in order to carry out our functions or where we must comply with the requirements of FOIA and must consider requests for information made under the FOIA on a case-by-case basis. Therefore when providing information, if you think that certain information may be exempt from disclosure under the FOIA, please annotate the response accordingly so that we may take your comments into account.
- 6.6** All information provided to us will be processed in accordance with the Data Protection Act 1998. However, it may be disclosed to government departments or agencies, local authorities and other bodies when it is necessary to do so in order to carry out our functions and where we are legally required to do so.

Annex A

Example of merged IPA and RTS requirement with the proposed new requirements inserted. The underlined and ~~strikethrough~~ text denotes the merged changes, the **highlighted** text identifies the proposed new requirements.

RTS 1 – Customer account information

All gambling – except subscription lotteries

RTS aim 1

To provide customers with easily accessible information about their current balances and facilities that enable them to review previous gambling and account transactions.

RTS requirement 1A

Where customers hold a credit or debit balance, the pages or screens used for gambling or to move money into and out of accounts or products must be designed to display the customer's current account or product balance, either in the currency of their account ~~or the currency of the gambling product~~ (eg dollars, euros or pounds sterling), whenever that customer is logged in. Where it is not practical to display current balance from gambling screens then a link to a page or screen that shows the balance must be provided.

For telephone betting this information is to be delivered at the customer's request by the customer service agent or automated response system.

RTS implementation guidance 1A

- a. ~~Where funds are moved between products (for example, from a betting product to a gaming product) the balance does not necessarily have to represent all of the balances that a customer may hold with an operator in respect of those products.~~
- b. Gambling pages and screens include virtual game pages, sports betting coupons, and poker and other virtual gaming 'tables'.

~~RTS requirement 1B~~

~~Where customers hold a credit or debit balance, the pages or screens used for gambling must be designed to display the customer's current account or product balance, or where this is not practical to display a link to a page or screen that shows the balance, whenever that customer is logged in. Balances are to be presented either in the currency of the customer's account or the currency of the gambling product (eg dollars, euros or pounds sterling).~~

~~For telephone betting this information is to be delivered at the customer's request by the customer service agent or automated response system.~~

~~RTS implementation guidance 1B~~

- a. ~~Where funds are moved between products, the balance does not necessarily have to represent all of the balances that a customer may hold with an operator in respect of other products.~~
- b. ~~Gambling pages and screens include virtual game pages, sports betting coupons, and poker and other virtual gaming 'tables'.~~

RTS requirement 1B (previously IPA 1 now moved here, replaces previous 1B which has been merged into 1A as above)

Customers must have easy access to their account and gambling history for a minimum of 12 months. Where customers access operators' products or register via websites, it is acceptable to provide access to statements via these websites. For customers who do not access or register via websites, information is to be provided via the medium of access, or a copy must be sent via email, fax, or post.

RTS implementation guidance 1B

- a. Account history should include credit and debit information such as deposits, withdrawals, ~~movement of funds between products~~, payments off credit accounts, entry fee deductions, and bonus information, as appropriate.
- b. For betting, gambling history should include bets placed, and the results of bets, including winnings paid. For gaming (including bingo) full or summarised gaming information should be available, for example, £10 taken into game, £100 turned over, £3 taken away from game.
- c. Where customers are able to move funds between gambling products, account information and statements should clearly display movement of funds into and out of products.
- d. For telephone betting, where customers demonstrate that they also have access to websites – by registering online or using other online products – it is acceptable to provide access to statements via these websites, otherwise customers should be sent a regular copy of their statement via email, fax or post unless they elect not to receive this information. Customers should be sent a statement on request, even if they have opted out of receiving regular statements.
- e. For gaming, where detailed historic game information may not necessarily be directly available to customers, as a minimum, customers should have easy access to details of the last game played and summarised information for previous activities.
- f. For restricted display devices, where customers demonstrate that they also have access to websites – for example, by registering online or using other online products – it is acceptable to provide access to statements via these websites. Otherwise, if the information cannot practicably be provided on the device, customers should be sent a copy of the statement via email, fax or post.
- g. The gambling and account history should display the total win/loss information for the specified period selected. Customers should be offered the option to view this information across all products in a single report.

RTS requirement 1C

Customers must be able to easily access information about their net deposits.

RTS implementation guidance 1C

- a. Net deposits are defined as the running total of all deposits minus the sum of all withdrawals for the lifetime of the account. This should be displayed at an account level so the figure represents the net position of all payment methods. Where full account life-time history isn't possible then, as a minimum the net deposits should be displayed from [TBC]. Information which explains what is being displayed including the date of implementation should be provided.

Annex B

Table of proposed RTS renumbering due to merging with IPAs and addition of new requirements.

Standard	Amendment
RTS 1 – Customer account info	To absorb IPA 1
RTS 2 – Displaying transactions	To absorb IPA 2
RTS 3 - Rules	No change
RTS 4 – Time critical events	To absorb IPA 5
RTS 5 – Result determination	No change
RTS 6 – Play for fun games	No change
RTS 7 – Generation of random outcomes	No change
RTS 8 – Auto-play	To absorb RTS 9
RTS 9 – To become progressive jackpots	This is currently 'auto-play for strategy games', which will be absorbed into the main auto-play requirement - RTS 8. In its place RTS 9 will contain the proposed new jackpot requirements.
RTS 10 – Interrupted gambling	To absorb IPA 6
RTS 11 – Limiting collusion	To absorb IPA 7
RTS 12 – Financial limits	No change
RTS 13 – Time and reality checks	No change
RTS 14 – Responsible product design	No change
RTS 15 – In-play	Formally IPA 3
RTS 16 – Third party software	Formally IPA 4
RTS 17 – Game identifier	New RTS (Game identifier)
RTS 18 – Live dealer studios	New RTS (Live dealer)
IPA 1 – Customer account info	Merge with RTS 1
IPA 2 - Displaying transactions	Merge with RTS 2
IPA 3 – In-running	Now becomes RTS 15
IPA 4 – Third party software	Now becomes RTS 16
IPA 5 – Time critical events	Merge with RTS 4
IPA 6 – Interrupted gambling	Merge with RTS 10
IPA 7 – Limiting collusion	Merge with RTS 11

Gambling Commission October 2016

Keeping gambling fair and safe for all

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